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11 || Attorneys for Plaintiff SVB Financial Group

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Case No.: 5:24-cv-01321-BLF

**DECLARATION OF ROBERT A. SACKS
IN SUPPORT OF PLAINTIFF
SVB FINANCIAL GROUP'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

The Honorable Beth Labson Freeman

1 I, Robert A. Sacks, declare as follows:

2 1. I am an attorney duly licensed by the State of California and admitted to practice
 3 before this Court. I am a partner at Sullivan & Cromwell LLP, and I represent Plaintiff SVB
 4 Financial Group (“SVBFG”) in the above-titled action. I have personal knowledge of the facts
 5 stated in this declaration and I can testify competently to them if called upon to do so.

6 2. Attached is a true and correct copy of Plaintiff SVB Financial Group’s unredacted
 7 Opposition to the Motion to Dismiss of Defendant Federal Deposit Insurance Corporation, as
 8 Receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A.

9 3. Page 2 of the unredacted Opposition to the Motion to Dismiss contains information
 10 derived from materials designated “Highly Confidential” by non-party the Federal Deposit
 11 Insurance Corporation, in its corporate capacity (“FDIC-C”), pursuant to the protective order
 12 (“Protective Order”) entered in SVBFG’s Chapter 11 proceeding. (*See In re SVB Fin. Grp.*, No.
 13 23-10367-MG (Bankr. S.D.N.Y.), ECF No. 428.)

14 4. Under the Protective Order, Plaintiff shall file documents and information derived
 15 from materials designated “Highly Confidential” under conditional seal. (*See id.* at ¶ 20.)

16 I declare under penalty of perjury that the foregoing is true and correct.

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 18 Dated: August 12, 2024
 Los Angeles, California

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 /s/ Robert A. Sacks
 Robert A. Sacks